XI-HC—78

(21)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.C. No. 1039/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MISC. APPEAL (CLAIM) NO.1039/2007

APPELLANT

1. Milapa Bai, w/o Ballu Das, aged about 30 years,
2. Ku. Santoshi, d/o Late Ballu Das, aged about 4 years , being minor represented through her mother Milapa Bai, w/o late Ballu Das

Both are residents of village Deori, P.S. and Tahsil Takhatpur, Distt. Bilaspur (C.G).

Versus

RESPONDENTS

1. Aju Singh, s/o Feku Singh, Rajput, aged about 25 years, r/o village Chamari, P.S. Mungeli, Distt. Bilaspur (C.G).
2. Ku.Shamim Ezaz, d/o Abdul Gaffar, aged about 25 years, r/o Bada Bazar, Mungeli Distt. Bilaspur
3. The New India Insurance Co.Ltd., Rajendra Nagar Branch Bilaspur, through its Branch Manager, New India Insurance Company Limited, Rajendra Nagar, Bilaspur (C.G).

D.B: HON'BLE SHRI L.C. BHADOO, J, &
HON'BLE SHRI SUNIL KUMAR SINHA, J.

ORAL ORDER
(18.09.2007)

L.C.Bhadoo, J.

Indra Sen Sahu, counsel for the appellants.

Heard on admission.

The claimants who are wife and daughter of the deceased Ballu Das, have preferred this appeal being aggrieved by the award dated 29th

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.C. NO. 1039/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

June 2007 passed by 9th Addl. Motor Accident Claims Tribunal, Bilaspur, in Claim Case No. 128/2005 whereby the Tribunal after evaluating the evidence adduced by the respective parties and other documents, reached to the conclusion that the death of Ballu Das was not the direct result of the accident, which he met with on 13.4.2005. Vide para 12 of the award, it has been mentioned that the deceased Ballu Das met with an accident on 13.4.2005 whereas he died on 13.11.2005. Further the Tribunal considered the injury report Ex.P-2, in which the injury sustained by the deceased in the accident was simple in nature. On X-Ray examination of Ballu Das, which was conducted on 20.4.2005, no bony injury was noticed by the Doctor, no document regarding treatment was produced by the claimants establishing that the death of Ballu Das was the result of accident and no doctor has been examined in order to establish that the death of Ballu Das was result of the accident.

Ultimately the Tribunal reached to the conclusion that there was no proximity between the said accident dated 13.4.2005 and the death of Ballu Das dated 13.11.2005. Having heard learned counsel for the appellant and on perusal of award, we are of the considered opinion that finding of Tribunal has been arrived after careful marshalling of the facts. Therefore, in view of the above, we are of the considered opinion that there was no illegality and infirmity in the impugned award and it does not require any interference by this Court.

This appeal being devoid of merits, the same is liable to be dismissed and it is accordingly dismissed at the motion stage itself.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge